

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TATIA LIPE,**

**Plaintiff,**

**v.**

**Case No. 1:23-cv-00899-GBW-JMR**

**ALBUQUERQUE PUBLIC SCHOOLS,**

**Defendant.**

**DEFENDANT’S MOTION FOR PROTECTIVE ORDER**

COMES NOW Defendant, Albuquerque Public Schools (APS), by and through its attorneys of record, Cuddy & McCarthy, LLP (M. Karen Kilgore), and moves this Court for a Protective Order under Rule 26(c) of the Federal Rules of Civil Procedure in order to protect information which is sought by Plaintiff in Request for Production No. 3 and which student educational records and information protected by the Family Educational Rights and Privacy Act (FERPA), and confidential information related to mental health and medical issues as well as student (and parent) addresses and social security numbers. Moreover, the responsive information which has been received from APS in response to Plaintiff’s Request for Production No. 3 is voluminous at approximately 13,000 pages and, as described, the majority of the information contained therein must be redacted.

**ARGUMENT**

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense. Fed.R.Civ.P. 26(b)(1). However, such discovery is not unfettered. A court shall limit discovery if it determines that “the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy,

the parties' resources, the importance of issues at stake in the litigation and the importance of the proposed discovery in resolving the issues." Fed.R.Civ.P. 26(b)(2)(C). "District courts may also issue a protective order regarding the remaining issues which the parties have not been able to resolve.

Request for Production No. 3 states "Produce all investigation reports, internal communications, and related documents (emails, texts, chats, memos, audio, video recordings concerning Plaintiff's complaints, including those filed with the Public Education Department or within APS. This request also includes documentation of the dates and attendees of all meetings or investigative actions related to Plaintiff's complaints." In its September 5, 2025 Order, the Court limited Request for Production No. 3 to the period of time from January 1, 2022 to present.

APS has gathered approximately 13,000 pages in supplemental responses to Request for Production No. 3. Therefore, Defendant APS submits, in a timely and fully responsive manner, its supplemental response to Request for Production No. 3 for the Court's review and consideration of the necessary protections as to the student information.

Defendant APS is prepared to produce this information in a heavily redacted form to Plaintiff; however, APS reiterates its objection that this material is highly sensitive and confidential and therefore, APS seeks guidance from this Court, as well as protection of the confidential information by permitting APS to produce, if required, to Plaintiff via Dropbox once the Court has reviewed the documents.

Plaintiff's opposition to this motion is presumed and, therefore, Plaintiff's concurrence has not been sought regarding the filing of this motion.

WHEREFORE, Defendant requests that this Court issue a Protective Order under Rule 26(c) of the Federal Rules of Civil Procedure in order to protect information sought by Plaintiff in Request for Production No. 3, and for such other and further relief as the Court deems appropriate.

Submitted:

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed through the CM/ECF system on this 10th day of October, 2025 which will cause service to the following:

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